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Total Number of Pages in This Submission

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First Named Inventor

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Art Unit

3714

Examiner Name

CEGIELNIK, Urszula M.

Attorney Docket Number

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### ENCLOSURES (Check all that apply)

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Remarks

- REPLY BRIEF FOR APPELLANTS

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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Date	March 15, 2006	Reg. No.	37,305

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S i r:

## REPLY BRIEF FOR APPELLANTS

Pursuant to 37 CFR 41.41, this brief is submitted in reply to the Examiner's Answer mailed February 13, 2006, regarding the appeal of the above-identified application.

Applicants have studied the Examiner's Answer and respectfully continue to believe that reversal of the rejections is merited based on the positions expressed in the Brief for Appellants filed on October 28, 2005.

Applicants also note that the Examiner's Answer merely appears to be a restatement of the reasons expressed in final Office action, and fails to address several grounds from the Brief for Appellants for reversing the rejections. For example:

- Neither the ordinary meaning of the word “toy,” nor the specification and prosecution history of the application, support the Examiner’s construction of the claim term “toy.” Also, the proposed construction, as well as the newest definition offered in the Examiner’s Answer—that “*any* tangible object [can] be a toy” (p.5)—ostensibly

include entire categories of hazardous, dangerous, and even lethal items, and as such are repugnant to the ordinary meaning of the term.

- Similar issues exist for the claim terms “personalized toy,” “customer-defined identifying material,” and “customer-defined intended recipient.” The Examiner’s Answer ignores the meanings of these terms, as provided in the specification, and urges definitions which find no purchase in the application as filed.
- The Examiner’s Answer fails to identify any motivation to modify the subject matter of the reference as proposed, in order to meet all of the limitations of the rejected claims.
- The Examiner’s Answer fails to demonstrate the absence of a new and inventive functional relationship between the “printed matter” and the “substrate.”
- The Examiner’s Answer does not address applicants’ remarks relating to the rejection under 35 U.S.C. § 112, second paragraph.

Accordingly, applicants continue to respectfully request that the rejections of the pending claims be reversed.

Please charge any additional fees required, or credit any overpayments, to our Deposit Account No. 11-1540.

Respectfully submitted,

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I hereby certify that this correspondence and the attached transmittal are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on March 16, 2006.

*Stephen R Pendleton*  
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